

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS Nos.448 of 1999,  
452 of 1999, 483 of 1999, 497 of 199,  
511 of 1999, 512 of 1999,  
526 of 1999, 530 of 1999, 537 of 1999,  
554 of 1999, 555 of 1999 & 561 of 1999.  
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For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL  
and  
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MAHENDRA SUITINGS LTD

Versus

UNION OF INDIA  
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Appearance:

MR PARESH M DAVE for Petitioners  
MR MUKESH R SHAH for Respondent No. 1  
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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE A.L.DAVE

Date of decision: 01/02/99

COMMON ORAL JUDGEMENT : (Per B.C. Patel, J.)  
Rule. Mr.Mukesh R. Shah, learned advocate  
waives service of the rule.

2. Heard the learned advocates appearing for the parties. We do not propose to give reasons at the request of the learned advocates as the matter is pending before the Collector (Appeals) and the decision may affect them one way or the other.

3. Similar orders are passed in Messrs Ratan Enterprises v. Union of India being Special Civil Application No.6829 of 1997 on 15.10.1997 by this Court (Coram : R.A. Mehta, Actg. CJ & S.D. Pandit, J.) and similar orders are passed in several other matters as well. In view of the fact that orders passed are not speaking orders rule was made absolute in those matters.

4. Mr.Mukesh Shah, learned advocate states that they have challenged the order in original also. It goes without saying that this court has neither examined the order in original nor has expressed any opinion about the order in original and the matter is confined to the order in stay application, passed by the appellate authority, which is a non speaking one.

5. On the facts and in the circumstances of the case, the appellate authority is directed to rehear the applications for stay moved by the petitioners and pass appropriate speaking orders therein within the period of four weeks from the date of receipt of writ of this order. Recovery of predeposit shall not be made till the stay applications are decided. Rule is made absolute to the aforesaid extent with no order as to cost.

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